

**City of Morgantown**  
**389 Spruce Street, Morgantown, WV 26505**

**REGULAR MEETING**  
**January 21, 2020**

The Regular Meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, January 21, 2020, at 7:03 p.m.

**PRESENT:** Assistant City Manager Emily Muzzarelli, City Attorney Ryan Simonton, City Clerk Christine Wade, Mayor William A. Kawecki, Deputy Mayor Rachel Fetty, and Council Members Zackery Cruze, Jenny Selin, Ron Dulaney, Dave Harshbarger, and Barry Wendell. City Manager Paul Brake was absent.

The meeting was called to order by Mayor Kawecki.

**APPROVAL OF MINUTES:** January 7, 2020, Special and Regular Meeting minutes, and January 10, 2020, Workshop Meeting minutes were approved as printed.

**CORRESPONDENCE:** None

**PUBLIC HEARING: AN ORDINANCE AUTHORIZING A LEASE AGREEMENT FOR OFFICE SPACE AT THE MORGANTOWN MUNICIPAL AIRPORT**

Mayor Kawecki declared the Public Hearing open.

There being no appearances, Mayor Kawecki declared the Public Hearing closed.

**UNFINISHED BUSINESS:**

**AN ORDINANCE AUTHORIZING A LEASE AGREEMENT:** The below entitled Ordinance was presented for second reading.

**AN ORDINANCE AUTHORIZING A LEASE AGREEMENT FOR OFFICE SPACE AT THE MORGANTOWN MUNICIPAL AIRPORT**

Assistant City Manager explained, motion by Deputy Mayor Fetty, second by Dulaney, to approve the above entitled Ordinance. Motion carried 7-0.

**BOARDS & COMMISSIONS:**

Motion by Deputy Mayor Fetty, second by Selin, to appoint by consensus, Katrina Bonfili to the Morgantown Housing Advisory Commission.

Motion by Wendell, second by Selin, to appoint by consensus, Jennifer Hathaway to the Metropolitan Theatre Commission.

Motion by Cruze, second by Harshbarger, to appoint by consensus, Rachel Byrne to the Health and Wellness Commission.

**PUBLIC PORTION:**

Mayor Kawecki declared the Public Portion open.

Jayson Nicewarner, Morgantown Firefighter IAFF Local 313 President, spoke concerning the lack of proper holiday compensation for Morgantown Firefighters, and requested that council create an ordinance to correct the issue.

There being no other speakers, Mayor Kawecki declared the Public Portion closed.

**SPECIAL COMMITTEE REPORTS:** Councilor Cruze reported on the ongoing working groups related to the downtown concerns. Councilor Selin reported on the Waterfront plan and how to increase the use of the rail trail. Councilor Dulaney reported on the ongoing working groups, and the change in Municipal Court dispositions. Councilor Harshbarger reported on pedestrian and bicycle infrastructure and safety.

**CONSENT AGENDA:** None

**NEW BUSINESS:** None

**CITY MANAGER'S REPORT:**

**New Business:**

**1. BID Award – Removal of old T-Hangars at the Morgantown Municipal Airport**

The Airport Director has sought bids for the removal of the old T-Hangars at the Morgantown Municipal Airport. The bid specifications include the removal of the steel structures of five of the six structures. The buildings have since been replaced by the new hangars built on the east side of the airport. The sixth hangar is not included in the bid as this bid will remain (for the time being) as it has power and communications running through it, connecting to other facilities on the property. The airport will use this hangar for salt and sand storage, as well as summer equipment in the winter.

There were three bids received. The bids ranged from paying the City \$500 to complete the project charging \$23,000 and \$37,500 respectively. Mr. Vrabel has analyzed the bids and is recommending awarding the contract to Safeco Environmental, Inc. Dilliner, PA. Safeco has offered to pay the City of Morgantown \$500 for the scrap value. A motion to accept the bid as presented is recommended for City Council approval.



# City of Morgantown

Assistant City Manager Emily Muzzarelli explained, after discussion, motion by Dulaney, second by Selin, to approve the BID Award to Safeco Environmental, Inc. of Dilliner, PA in the amount of \$23,000 and \$37,500 respectively. Motion carried 7-0.

## 2. Kayak/Bike Facility at the Walnut Street Landing/HRM Riverfront

Staff and officials have been exploring the possibility of a kayak/bike rental facility to be constructed at the Walnut Street Landing as part of the park improvements to the Hazel Ruby McQuain Amphitheater/Riverfront Park. The cost of the facility is outside of the scope of services with March Westin Construction Company. The additional expense of the facility would be recouped through a lease to either a public or private provider.

The final improvements are being made to the park, and I am recommending City Council authorize the City Manager to execute a change order for the construction of multi-story structure to accommodate both land and water recreation opportunities. Thrasher Engineering has compiled a preliminary design, and the cost of the building is anticipated to be \$300 - \$400K. The City will be issuing a Request for Proposal for an operator to conduct the rental operations in the facility. If we do not receive any satisfactory proposals, BOPARC will staff the rental facility.

The Assistant City Manager will be providing additional information about the proposed facility at Tuesday's meeting.

Assistant City Manager explained, after discussion, motion by Dulaney, second by Selin, to table for more information.

**REPORT FROM CITY CLERK:** shared that the West Virginia Annual Conference to End Homelessness will take place April 1-3, 2020, and if any council members wished to attend to please advise.

**REPORT FROM CITY ATTORNEY:** shared that on January 15th he presented to the Municipal Home Rule Board the city's Home Rule Plan amendment number 5 which modified the audit reporting date for the Land Reuse Agency that the city has established to allow that audit report date to coincide with the audit reporting for the city and its other boards and commissions. The Home Rule Board unanimously approved that initiative and an ordinance has been prepared implementing that. It will be presented at the Committee of the Whole meeting next week. Representatives of the Municipal League were present and indicated that they would pass on that information to other communities that have these agencies in place as well as a potential efficiency and cost saving measure. He passed around to Council last Monday the status of a few bills introduced this session that have capacity to impact municipalities. He will monitor those and keep Council up-to-date on similar measures as the session moves on. He is happy to continue updating those or add to that list of legislation that he is tracking. Next Monday the 27th he will be attending the Municipal Attorney's Association meeting, which is always held in conjunction with the West Virginia Municipal League semiannual meeting.

## **REPORT FROM COUNCIL MEMBERS:**

**DEPUTY MAYOR FETTY:** shared that she appreciated Mr. Nicewarner's comments and is certain during this present council period to dedicate a lot of resources to our Fire Department and to our service personnel. This was probably one of Council's most significant priorities when she was elected and she knows that this has been a great concern about the pay of individual firefighters both per hour and per annum and overtime. She commented on the five-year Capital Improvement plan that allocates over 13 million dollars in the next five years to the Fire Department to make sure to increase the well-being of all firefighters. She shared that she feels they have demonstrated that they are committed to the welfare of the Fire Department and every single firefighter that serves. She stated that she hopes that there's not a single firefighter who interprets their deliberation as being a disregard of the service that is provided. They are trying to do the right thing and she hopes that Council will be able to do that regarding the building of a kayak facility. She is interested to hear more next week about the transition in the plan for the kayak rentals. She is excited to hear that the progress down at the park is proceeding according to the plan considering the many challenges. The First Ward Neighborhood Association will be having a meeting next Monday at 6:30 at the Monongalia County Technical Education Center.

**COUNCILOR CRUZE:** thanked everyone for coming tonight and addressing the concerns of the firefighters. He plans to sit down with Mr. Nicewarner as requested. He reminded everyone that Code Enforcement has a volunteer snow removal program. If anyone is mobility impaired or a senior citizen and need help removing snow or ice from their house to call Code Enforcement and they will come out and get that removed for you. The first Menstrual Equity Coalition meeting will be held January 27th at 6 p.m. in the Mountainlair Laurel Room. Individuals and groups are invited to join together to share ideas collectively, organize and tackle menstrual equity issues. He shared that there are some bills that are currently in the Senate that will require the schools to offer free feminine hygiene products to students. Something that students in our schools may deal with is food insecurity and other issues of poverty. Sometimes students miss school and miss out on their education due to not having accessibility to feminine hygiene products. Unfortunately this meeting is at the same time as the Woodburn Neighborhood Association and he has been asked to come and speak about the sharps container disposal facilities. He asks that another Councilor to please go to the Menstrual Equity Coalition meeting to support those students trying to address this issue within our area. Regarding the kayak proposal, he agrees that more details are needed before voting. There is another bill going through the Senate right now that would have devastating effects on our area if it passes and it is Senate Bill 286 which is looking to ban all needle exchange programs within the state of West Virginia. Health Right has the light program and needle exchanges are one way that we connect individuals dealing with addiction to a greater recovery community and also provide some harm reduction with Infectious Disease Control. West Virginia already has hepatitis and HIV outbreak, so banning needle exchange programs would take that to a place that we couldn't control.

**COUNCILOR SELIN:** shared that at the end of the weekend into the beginning of the week are the legislative meetings at the Municipal League conference, then the council meeting on the 28<sup>th</sup>, and then on the 29th is Mon County day. She asks if anyone is ambitious and would like to go back down to the legislature on the 29th for Mon County Day she would love to hear from them. She shared that those who sign up ahead of time will get a lunch from The Beehive Café and the bus leaves at 6:00 in the morning to return to Morgantown. She shared the idea of offering drinking fountains on the trail, and how activity on the trail could be increased to seeing use every day. Ideas such as offering food trucks, games, and books were communicated. Councilor Selin described the park design ideas, such as porch swings, available seating, and tables to name a few. She shared that there is currently a GoFundMe fundraiser to purchase two additional pieces of playground equipment to add to Krepps Park. She is actively seeking volunteers for this year's Celebration of America committee and/or volunteering on Fourth of July. Interested individuals should contact her.

**COUNCILOR DULANEY:** shared that he appreciates Mr. Nicewarner's persistence and respectful push on this and his hope is that we will get this resolved sooner than later. He was pleasantly surprised over the last couple of days to see in a news article and an interview with Director Stone that that the city has taken action on over a dozen vacant dilapidated buildings over the course of 2019. He stated that he has been very frustrated thinking that we weren't really doing much on this issue and that a lot of our constituents



# City of Morgantown

have voiced their frustrations with him. He is surprised that nobody brought it to his attention that the city is moving on this and that he had to read about in the newspaper. This is an issue where there's a lot of interest and they are moving on it and it would be great if a better job could be done with communicating and informing one another. Design guidelines which apply to our city owned facilities would be in the best interest of the city. The Woodburn Association of Neighbors meets on the 27th, which is a Monday at 6:30pm at Crosley's Banquet Center and Council Cruz will be speaking about sharps containers. The active membership of this neighborhood association has been very engaged in this issue. A month ago, they invited Health Right to do training on picking up sharps needles because during a cleanup of the park a small ground collected over a couple dozen needles along the rail trail and that was just between Crosley's and Forest Avenue. There is a meeting of five task groups on January 31st at 8:45am until 10am and the purpose of that meeting is for a larger group to come back together and report out and gain more support and resources for the initiatives that are unfolding there. That meeting will be in council chambers.

**COUNCILOR HARSHBARGER:** stated that the Monongalia Point in Time count for the homeless is tomorrow and they are still recruiting volunteers. They will be doing counts from 8 to 10 pm and 9 to 11pm. They have consolidated the count Thursday morning the 23rd from 6am to 8am. There was training on Saturday, but people can still participate if they'd like. There is a release form and a volunteer video that he can send out if people are interested in joining. Councilor Harshbarger advised that he will be participating in one of the evening shifts tomorrow and would be happy to send the info to anyone who is interested. He stated that this is the 24-hour period across the US to get counts. The number from last year was 24-28. He shared that the more eyes on the streets there are to ensure an accurate count the better. Any questions email Councilor Harshbarger.

**COUNCILOR WENDELL:** See below

*I was in New York City for a week at the end of last year, seeing friends and relatives, going to concerts, movies and museums, eating in restaurants. Our last night there, Joe and I attended a Chanukkah celebration outdoors in Brooklyn, in the rain, to show solidarity with Orthodox Jews who had been attacked in Brooklyn and in Monsey during the holiday. The next day, as we were leaving, I had a sore throat, which developed into a cold, and then a sinus infection. I was in no shape to be at the last meeting, and I am still recovering, although lots better.*

*I am deeply concerned about the current impeachment hearings going on in Washington. I hope that Senators Capito and Manchin will ask for witnesses and have a full investigation, so that we can, as a nation, move beyond this crisis.*

*I appreciate the work that Delegate Barbara Fleischauer has done in Charleston, introducing a bill to cap the cost of insulin, and a bill mandating equal pay for men and women. Our other Delegates have stood with her against the madness of the majority party. They claim to work on the economy, but all they have done is introduce unwanted bills that would overrule local authority to regulate guns, to provide equal rights to LGBT+ citizens, and to annex territories that should rightly be in the cities. They waste time asking counties in Virginia to join West Virginia, and to introduce meaningless bills that do nothing, but seem to restrict access to abortions. I'm not surprised that the state is losing population, with the antics of so many of our legislators.*

*I read that people on the County Commission were against narrowing lanes on SR 705 to accommodate a new bike lane. I attended some of the planning meetings for the Bike and Pedestrian Plan, and I thought this was well thought out and feasible. I hope we can convince the Commission to be more supportive of bicycle lanes.*

*I heard a snippet of "Dave and Sarah" on the radio in the ten-minute drive to WVU Healthcare for one more look at my illness. I don't generally listen to them, and I usually disagree with Dave Wilson, but he asked at the start of today's program why the proposal to put out three sharps containers was not on the agenda tonight. I asked myself that question, too. There is no need for further research on this; it seems that the Mayor and City Manager are thwarting the will of the Council, which is definitely not their job, by holding this up. I want to see this on the Committee of the Whole Agenda next week, with a vote on the issue at the first meeting in February. I also hope that we can come to an equitable settlement with the firefighter's union soon.*

*Mayor Kaweck and I attended a Chinese New Year celebration at the Mountainlair Thursday. It was good to see music and dance from a culture with which I am not familiar.*

*There have been two deaths of people I knew in Morgantown this week. Anne Selinger was an elementary school teacher, taught English as a second language, and worked for public television. She was the widow of Carl Selinger, who at one time was the Dean of WVU Law School. In 2010, she married widower Nyles Charon, a professor of microbiology at WVU. She is survived by two sons, their wives and children, and Nyles' daughter, with whom she was close. Anne was a former board member of Tree of Life Morgantown.*


*Emory Kemp passed away yesterday. He was a professor of engineering and history at WVU and the founder of the Institute for the History of Technology and Industrial Archaeology. I knew him from the Human Performance Lab, and from Life-Long Learning. He is survived by his wife, Janet, three children and many grandchildren.*

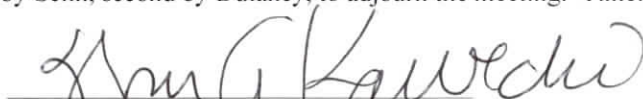
*Speaking of Life-Long Learning, my next class there, about singer-songwriter Laura Nyro, begins at 12:45 Thursday at Mountaineer Mall on Greenbag Road, and continues for another three weeks. Please stop by and learn about this iconic artist. The first class at OLLI is free.*

**MAYOR KAWECKI:** announced Hops for Hope raising money for Australian Wildfire at Apothecary Ale House & Café starting January 21, 2020, at 12:00 p.m. and continuing through January 25, 2020, at 5:00 p.m.; January 27, 2020, at 5:15 p.m. Group Run; January 29, 2020, Morgantown Public Library is hosting a book signing, West Virginia Native and Veteran Journalist C. D. "Tony" Hylton, III will introduce his riveting new novel "Enough" during a presentation and book signing starting at 6:30 p.m.; February 1, 2020, Met Theatre will be showing the movie "Cars" starting at 1:00 p.m., admission is \$5.00 at the door and includes popcorn, a kid's drink and a chance to win a prize before the movie. Mayor announced that the South Park Association of Neighbors meeting will be January 22, 2020, with social hour starting at 6:30 p.m. and the meeting at 7:00 p.m.

**EXECUTIVE SESSION:** Pursuant to West Virginia Code Section 6-9(A)4 (2)(B) (12) to discuss potential or pending litigation. Motion by Harshbarger, second by Wendell, to go into executive session. Motion carried by acclamation. Present: Assistant City Manager, City Attorney, and City Council. Time: 8:43 p.m.

**ADJOURNMENT:** There being no further business, motion by Selin, second by Dulaney, to adjourn the meeting. Time: 10:00 p.m.

  
City Clerk

  
Mayor